-

THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 23258 OF 2005

DATED: 28-10-2005

Between

M/s. Lohiya Vanaspati (P) Limited,

Survey No. 163 Part, Door No. 7-4-96/A,

Gaganpahad, R.R District – 501 323,

Andhra Pradesh – India, rep. by its

Managing Director, Sri Radheshyam Lohiya,

S/o Ramswaroop Lohiya, Aged about 34 years.

..... PETITIONER

And

The Assistant Commissioner of Customs,

Kakinada – 1 (customs) Division, Port Area,

Kakinada – 533 007 and another.

..... RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 23258 OF 2005

ORDER: (per Sri B. Sudershan Reddy, J)

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General appearing on behalf of the respondents and at their request, the matter is taken up for final disposal even at the stage of admission. Rule nisi.

The petitioner in the instant writ petition challenges the action on the part of the respondents in not clearing or releasing the warehoused imported crude palm oil (edible grade) for payment of duty and further not allowing it to lift the imported crude palm oil (edible) for further processing of refining at their factory as illegal, arbitrary and violative of the provisions of the Customs Act as well as principles of natural justice. The petitioner accordingly prays for issuance of consequential directions to the respondents to release/clear to it the warehoused imported crude palm oil

(edible grade).

It is not possible in this writ petition to express any opinion and issue any direction as prayed for by the petitioner that it is entitled for the release of the warehoused imported crude palm oil, but at the same time we are inclined to say that there is no justification on the part of the respondents to keep the matter pending ever since 13-05-2005 without taking any action whatsoever in spite of several representations made by the petitioner.

In the affidavit filed by the petitioner, it is stated specifically that a letter was submitted on behalf of the petitioner on
17-10-2005 through their agent Chandra Shipping and Trading Services for assessment and to pay import payment of duty, which was acknowledged by the respondents after great persuasion and with great difficulty. Xerox copy of the letter and the acknowledgment are filed along with the writ petition.

In the circumstances, it would be appropriate to direct the respondents to take an appropriate decision in the matter with reference to the letter of the petitioner dated 17-10-2005 and pass an appropriate order within a period of two weeks from the date of receipt of a copy of this Order and communicate the same to the petitioner. There shall be an order accordingly.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

28..10..2005

(S. Ananda Reddy, J)

ks

Note: Furnish CC by Monday.

B/O

ks